

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 SY-10 USSS-00 FBI-01 DRC-01 /123 W

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R 060305Z NOV 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 810

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DRAFTING COMMITTEE MET MORNING NOV 5 AND PROVISIONALLY AGREED ON REMAINING ASPECTS OF CONVENTION ON PROTECTION OF DIPLOMATS TO BE REPORTED BACK TO LEGAL COMMITTEE.

2. ON ARTICLE 2, AFTER SOME FRUITLESS DISCUSSION OF SOVIET AMENDMENTS ON "DIGNITY", CHAIRMAN SAHOVIC (YUGO-SALVIA) APPEARED READY TO REPORT OUT NON-CONSENSUS TEXT STATING RESERVATIONS OF RUSSIANS AND OTHERS TO ABSENCE OF "DIGNITY" IN TEXT OF ARTICLE 2. PRIVATELY, WE TOLD SOVIETS THAT IF THEY COULD ACCEPT THE COMPROMISE DELOFF HAD SUGGESTED (CONTAINED PARA 5 OF USUN 4409), NOW WAS LAST CHANCE TO PUT IT FORWARD OR TO REQUEST CHAIR TO SURFACE IT WITHOUT ANY PARENTAGE ASCRIBED. WE SAID AT THIS STAGE IT IMPOSSIBLE FOR US TO PUT TEXT FORWARD AS ITS OWN SOLUTION. FEDOROV (USSR) ASKED FOR ADJOURNMENT OF DRAFTING COMMITTEE AND AFTER CONSULTATIONS WITH DELOFF, WENT TO CONSULT KOLESNIK. UPON RETURN, FEDOROV AGREED CHAIR COULD PUT TEXT FORWARD, BUT SAID USSR WOULD NEED MORE TIME TO COME TO FINAL DECISION AND HE COULD ONLY GIVE HIS APPROVAL AD REFERENDUM, CLAIMING HE HAD NOT BEEN ABLE TO FIND KOLESNIK. WHEN MEETING

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RESUMED, CHAIR PUT FORWARD PROPOSAL. ATTEMPTS TO ALTER

PROPOSAL AND TO INCLUDE IN PROPOSAL IDEA CONTAINED IN UAE PROPOSAL (TRANSMITTED PARA 2 OF USUN 4448) WERE STAVED OFF. NOVEMBER 6 DRAFTING COMMITTEE WILL REVIEW COMPOSITE DOCUMENT WITH TEXT OF PREAMBLE AND 12 ARTICLES, WHICH WILL THEN BE REPORTED TO SIXTH COMMITTEE. FEDOROV ASKED FOR DRAFTING COMMITTEE TO WAIT TO NOV 7 BEFORE MAKING FINAL PRONOUNCEMENT ON ARTICLE 2, BUT OTHERS EXPRESSED HOPE THAT CONSENSUS HAD BEEN REACHED AND FINAL ACTION OF DRAFTING COMMITTEE TO GIVE STAMP OF APPROVAL TO PACKAGE COULD BE COMPLETED NOV 6.

3. ON ARTICLE 12, FIRST US AMENDMENT (TRANSMITTED PARA 6 OF USUN 4433) ADOPTED.

4. ON PREAMBLE, IN VIEW OF ADOPTION OF ADDITIONAL PARA FOR ARTICLE 2, IT CONSIDERED UNNECESSARY TO ADOPT SPANISH AMENDMENTS TRANSMITTED PARA 2 OF USUN 4448.

5. COMMENT: USDEL THINKS PACKAGE CONCLUDED NOV 5 LIKELY TO HOLD TOGETHER AND THUS DRAFTING COMMITTEE WILL BE IN POSITION IN NEXT DAY OR TWO TO REPORT THIS TEXT TO LEGAL COMMITTEE. WE CONSIDER TEXT EMINENTLY ACCEPTABLE FROM USG POINT OF VIEW. IN FACT, TEXT INCORPORATES MOST OF PREFERRED POSITIONS CONTAINED US POSITION PAPER, DESPITE USG PUBLIC STANCE THAT ILC TEXT WITHOUT CHANGE WOULD BE ACCEPTABLE. NEVERTHELESS, THERE STILL ADDITIONAL SUBSTANTIAL STAGE OF WORK, I.E., SECOND READING IN LEGAL COMMITTEE. AT THIS STAGE USDEL WILL DO UTMOST TO KEEP TEXT REPORTED BY DRAFTING COMMITTEE INTACT. THE CRUCIAL OUTSTANDING ISSUES WE STILL FACE ARE THOSE OF ASYLUM, ON WHICH WE OPTIMISTIC THAT COMPROMISE WE HAVE REACHED WITH MEXICANS WILL SUCCEEDS; CHALLENGES TO "REGARDLESS OF MOTIVE" IN ARTICLE 2, WHICH WE WILL DO UTMOST TO RETAIN; BATTLE ON "ALL STATES" FORMULA IN FINAL ARTICLES; AND THREAT OF POSSIBLE PROPOSALS ON NATIONAL LIBERATION MOVEMENTS THAT HAVE STILL NOT REACHED SURFACE. WE SHOULD NOTE THAT IF WE MANAGE TO AVOID NEW PROVISION ON "NATIONAL LIBERATION" MOTIVE BUT, DESPITE BEST EFFORTS, LOSE WORDS "REGARDLESS OF MOTIVE", WE THINK WE MIGHT BE ABLE TO LIVE WITH RESULT. WHILE WE DO NOT AT ALL LIKE IMPLICATION CREATED LIMITED OFFICIAL USE

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BY DELETION OF THOSE WORDS, WE BELIEVE IT POSSIBLE OR ARGUE THAT THESE WORDS SURPLUSAGE AND THEIR DELETION MERELY CONSISTENT WITH APPROACH OF HAGUE AND MONTREAL CONVENTIONS, WHICH DO NOT INCLUDE THESE WORDS. END COMMENT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 06 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN04484
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731151/aaaablhg.tel
Line Count: 112
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 09 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Oct-2001 by shawdg>; APPROVED <06 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS
TAGS: PINS, UR, UNGA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005